

## **REMARKS**

In response to the above-identified Office Action (“Action”), Applicant traverses the Patent Office’s rejection to the claims and seeks reconsideration thereof. Claims 1-23 are now pending in the present application. Claims 14-18 are withdrawn. In this response, Claims 1 and 10 have been amended, no claims have been added and no claims have been cancelled.

### **I. Claim Amendments**

Applicant respectfully submits herewith an amendment to Claims 1 and 10. Claim 1 is amended to recite “a generally peripheral member sized to be worn on less than an entire portion of a scalp of a human head and enclose an occipital portion and a parietal portion of the human head.” Additionally, Claim 1 is amended to delete unnecessary verbiage recited in the claim. Support for the amendments may be found, for example, on page 7, paragraph [0031] of the application. Claim 10 is amended to clarify that the “opposing side edges” are “opposing side edges of the cloth material.” Support for the amendment may be found, for example, on page 6, paragraph [0027] of the application. Accordingly, the amendment is supported by the specification and does not add new matter. Applicant respectfully requests reconsideration and entry of the amendment to Claim 10.

### **II. Specification Amendments**

Applicant respectfully submits herewith amendments to the specification paragraphs [0029] and [0035] to correct informalities noted by the Examiner. Applicant further submits an amendment to paragraph [0042] in which the recitation of “second member 240” is corrected to recite “first member 240.” Applicant respectfully submits the amendments merely correct informalities and therefore do not add new matter. In view of the foregoing, Applicant respectfully requests reconsideration and entry of the amendments to the specification.

### **III. Election/Restrictions**

The Action states that restriction to one of the following inventions is required:

I. Claims 1-18, drawn to a hairpiece and a method of making a hairpiece, classified in class 132, subclass 56.

II. Claims 1-13 and 19-23, drawn to a hairpiece and a method of using the device, classified in class 132, subclass 201.

Applicant respectfully affirms the election of invention II, claims 1-13 and 19-23 made on November 2, 2005.

### **IV. Specification**

In the outstanding Action, the Patent Office objects to the specification on the basis of informalities. In particular, the Patent Office indicates in paragraph 6, line 4, "200" should be changed to -120-. Applicant has reviewed paragraph 6 and fails to discern where the reference number "200" is recited. Applicant notes, however, that it appears "200" was incorrectly recited in paragraph 29, line 4. Accordingly, Applicant has amended line 4 of paragraph 29 to recite 120 instead of 200. The Patent Office further indicates in paragraph 35, line 8, "176" should be changed to -174-. Applicant respectfully submits herewith an amendment to the specification in which the informality with respect to paragraph 35 has been corrected. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the objection to the specification on this basis.

### **V. Drawings**

In the outstanding Action, the drawings are objected to because "230" and "220" in figure 9 should be changed to -430-, -420-. Applicant respectfully submits herewith a replacement sheet in compliance correcting the error noted by the Patent Office. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings on this basis.

**VI. Claim Rejections – 35 U.S.C. §112, second paragraph**

In the outstanding Action, the Patent Office rejects Claims 8-10 and 13 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In regard to Claim 8, the Patent Office alleges the recitation of a “desired volume” is indefinite. Applicant respectfully disagrees and directs the Patent Office’s attention to page 10, paragraph [0042] of the application describing a “desired volume.” In particular, this portion of the application recites that “the division of first portion 240 and second portion 245 of device 200 are determined, in one embodiment, based on a desired style provided by device 200. For example, to provide additional fullness or volume near the top of an individual wearer’s head, additional geometric regions 260 may be provided within second portion 240.” See Application, paragraph [0042]. Accordingly, it is clear from this portion of the application that a “desired volume” depends upon the preferences and style desired by the user and thus may be broadly construed to include all volumes as suggested by the Patent Office.

In regard to Claim 9, the Patent Office alleges the recitation of a “desired length” is indefinite. Applicant respectfully disagrees and directs the Patent Office’s attention to page 10, paragraphs [0042]-[0043] of the application describing a “desired length.” In particular, paragraph [0042] recites “when additional length is desired to an individual wearer’s head or hair, additional geometric regions 260 may be added within second portion 245 to provide additional length, as well as fullness, to the hair. For example, hair enhancement device 200 may provide an individual wearer with a one length hair style.” Paragraph [0043] further describes a desired length as a “chin-length hair styles, such as a one-length “bob” hair style. In other words, hair enhancement device 300 provides an individual wearer with a short, layered hair style.” Accordingly, a “desired length” may be broadly construed to include all lengths as suggested by the Patent Office.

In regard to Claim 10, the Patent Office alleges it is unclear whether the “opposing side edges” belong to the foundation or cloth material. Applicant amends Claim 10 in the instant

response to clarify that the cloth material coupled is coupled at adjacent opposing side edges of the cloth material.

In regard to Claim 13, the Patent Office alleges the recitation of a “desired direction” is unclear. Applicant respectfully disagrees and directs the Patent Office’s attention to page 10, paragraph [0035] of the application describing a “desired direction.” In particular, paragraph [0035] recites the wefts of hair may be sewn onto the individual members of foundation 110 to provide a directional path for the hair to provide enhanced styling. Accordingly, the “desired direction” may be broadly construed to include any directional path found suitable to achieve a particular hair style.

For the foregoing reasons, Applicant respectfully submits Claims 8-10 and 13 are in compliance with 35 U.S.C. §112, second paragraph and requests withdrawal of the rejection on this basis.

## **VII. Claim Rejections – 35 U.S.C. §102**

**A.** In the outstanding Action, Claims 19-20, 22-23 are rejected under 35 U.S.C. §102(b) as being anticipated by, U. S. Patent No. 4,386,619 issued to Williams ("Williams"). Applicant respectfully traverses the rejections.

It is axiomatic to a finding of anticipation that a reference teach each and every element of the claims. In regard to Claim 19, Applicant respectfully submits Williams fails to teach at least the elements of “applying outside pressure to a foundation of the device to cause the foundation of the device to conform to the contours of an individual wearer’s head” and “wefts of hair sewn to the device.”

Williams discloses a hairpiece for achieving a frosting effect within existing hair comprised of netting 11 which defines openings 13 and includes an outer member 12 defining a periphery of the cap 10. See Williams, col. 2, lines 39-43. Strands of hair 62 may be secured to the netting 11 such that a frosting effect is achieved once the cap is in position. See Williams, col. 3, lines 49-50. Williams teaches that the netting 11, outer member 12, supporting members

and inner members are made of a tough wire-like elastic synthetic material such as nylon, and preferably the netting 11 is comprised of clear nylon. See Williams, col. 3, lines 44-48. Williams teaches the cap is held in place by tension in the outer member 12 and that the tough elastic of the netting 11 conforms the cap 10 to the natural contour of the head. See Williams, col. 3, lines 54-58. Thus, Williams relies upon the inherent elasticity and tension created by the cap when stretched over the user's head to conform the cap to the wearer's head not an outside pressure as required by Claim 19.

Moreover, the Patent Office does not point to, and Applicant is unable to discern, a portion of Williams teaching "wefts of hair sewn to the device" (emphasis added) as recited in Claim 19. The Patent Office in fact admits on page 7 of the Action that "Williams does not disclose a plurality of wefts of hair." See Action, page 7. Thus, for at least the foregoing reasons, Williams further fails to teach this element of Claim 19. Since Williams fails to teach or suggest each and every element of Claim 19, anticipation may not be found. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 19 under 35 U.S.C. §102(b).

In regard to Claim 22, Claim 22 depends from Claim 19 and incorporates the limitations thereof. Thus, for at least the reasons discussed in regard to Claim 19, Williams fails to teach each and every element of Claim 22. Claim 22 further recites the element of "wherein a first portion of the device attaches to a crown portion of the individual wearer's head between an occipital bone and a top of a parietal portion of the wearer's head." The Patent Office alleges the attachment device of Williams is element 64. See Action, page 5. As described by Williams and further illustrated in Figure 2, attachment device 64 is located at the back end 6 of the cap. See Williams, col. 3, lines 39-40. Accordingly, the cap is attached at a back end of the wearer's head, not a crown portion between an occipital bone and a top of a parietal bone as required by Claim 22. Thus, for at least the foregoing reasons, Williams further fails to teach this element of Claim 22. Since Williams fails to teach or suggest each and every element of Claim 22, anticipation may not be found. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 22 under 35 U.S.C. §102(b).

In regard to Claims 20 and 23, these claims depend from Claim 19 and incorporate the limitations thereof. Thus, for at least the reasons discussed in regard to Claim 19, Williams fails to teach each and every element of Claims 20 and 23. Since each and every element of the claims is not taught by Williams, anticipation may not be found. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 20 and 23 under 35 U.S.C. §102(b).

**B.** In the outstanding Action, Claims 1, 4-5, 8-9 and 13 are rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Publication No. 2004/0237985 to Ball ("Ball"). Applicant respectfully traverses the rejections.

In regard to Claim 1, Ball fails to teach at least the element of “a generally peripheral member sized to be worn on less than an entire portion of a scalp of a human head and enclose an occipital portion and a parietal portion of the human head.” Instead, Ball teaches a hairpiece sized to be worn over the entire scalp. In particular, Ball teaches the hairpiece comprises a framework of elastic straps including a peripheral loop 17 sized so that when the hairpiece is stretched over the user’s head the peripheral loop extends across the top of the forehead, along the sides of the head above the ears and around the back of the head under the occipital bone (i.e. along the hairline). See Ball, col. 2, paragraph [0028]; Figures 1-5. Accordingly, the peripheral member 17 is not sized to be confined to an area between a crown and a nape of a human head. Thus, for at least the foregoing reasons, Ball fails to teach at least this element of Claim 1. Since Ball fails to teach or suggest each and every element of Claim 1, anticipation may not be found. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1 under 35 U.S.C. §102(e).

In regard to Claim 8, Claim 8 depends from Claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed in regard to Claim 1, Ball fails to teach at least the element of “a generally peripheral member sized to be worn on less than an entire portion of a scalp of a human head and enclose an occipital portion and a parietal portion of the human head” as found in Claim 8. Claim 8 further recites the element of “a number of geometric regions within the first portion is selected to achieve a desired volume of an individual wearer’s hair.”

Applicant's specification provides that the selection of geometric regions within the first portion allows additional fullness or volume to be achieved near the top of the individual wearer's head as opposed to all over the head. See Application, page 10, paragraph [0042]. In this aspect, the device of the instant invention increases the volume of the wearer's hair where needed without adding unnecessary bulk.

The Patent Office alleges that Ball shows a number of geometric regions (25, 37) being within the first portion 15 and therefore teaches this element. See Action, page 6. Applicant respectfully disagrees with the Patent Office's conclusion for at least the reason that elements 25 and 37 of Ball are straps of the hairpiece, not geometric regions of a first portion. See Ball, page 3, paragraph [0039]. Ball does not expressly refer to geometric portions much less a first portion having a number of geometric regions selected to achieve a desired volume of the wearer's hair. Moreover, it appears from the teachings of Ball that 15 refers to the entire hairpiece, not a first portion. See Ball, page 2, paragraph [0024]. Thus, Ball does not teach a first portion having a number of geometric regions selected to achieve a desired volume of the wearer's hair within a specific region. Thus, for at least the foregoing reasons, Ball further fails to teach this element of Claim 8. Since Ball fails to teach or suggest each and every element of Claim 8, anticipation may not be found. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 8 under 35 U.S.C. §102(e).

In regard to Claim 9, Claim 9 depends from Claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed in regard to Claim 1, Ball fails to teach at least the element of "a generally peripheral member sized to be worn on less than an entire portion of a scalp of a human head and enclose an occipital portion and a parietal portion of the human head" as found in Claim 9. Claim 9 further recites the element of "a number of geometric regions within a second portion is determined based on a desired length of the individual wearer's hair." The Patent Office alleges that Ball shows a number of geometric regions (25, 37) being within the second portion 14 and therefore teaches this element. See Action, page 6. Applicant respectfully disagrees with the Patent Office's conclusion for at least the reason that elements 25 and 37 of Ball are straps of the hairpiece, not geometric regions of a first portion. See Ball, page

3, paragraph [0039]. Moreover, it appears from the teachings of Ball that 14 refers to the wearer's head, not any particular portion of the hairpiece. See Ball, page 3, paragraph [0033]. Thus, Ball does not specify a second portion, much less a second portion having a number of geometric regions selected to achieve a desired length of the wearer's hair. In fact, Ball does not even appear to contemplate the length of the user's hair in selecting the framework for the hairpiece. Thus, for at least the foregoing reasons, Ball further fails to teach this element of Claim 9. Since Ball fails to teach or suggest each and every element of Claim 9, anticipation may not be found. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 9 under 35 U.S.C. §102(e).

In regard to Claim 13, Claim 13 depends from Claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed in regard to Claim 1, Ball fails to teach at least the element of "a generally peripheral member sized to be worn on less than an entire portion of a scalp of a human head and enclose an occipital portion and a parietal portion of the human head" as found in Claim 13. Claim 13 further recites the element of "wherein the wefts of hair are attached in a desired direction according to a style desired by an individual wearer." The Patent Office alleges that Ball shows wefts of hair 30 attached in a desired direction according to a style desired by a wearer in Fig. 5. See Action, page 6. Applicant respectfully disagrees with the Patent Office's conclusion for at least the reason that Figure 5 shows the hairpiece fully in place with the natural hair and additional hair brushed into place. See Ball, page 1, paragraph [0022]. Ball does not describe the wefts illustrated in Figure 5 as being attached in any particular direction. Moreover, as taught by Ball, the two types of hair 12 and 13 cannot be visually distinguished from each other when the hairpiece is worn. See Ball, page 2, paragraph [0023]; page 3, paragraph [0040]. Accordingly, although a hair style is shown in Figure 5, there is no way to discern if the style direction of the hair as shown is due to the attachment of the wefts in a desired direction or the user's own hair. Thus, for at least the foregoing reasons, Ball further fails to teach this element of Claim 13. Since Ball fails to teach or suggest each and every element of Claim 13, anticipation may not be found. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 13 under 35 U.S.C. §102(e).



In regard to Claims 4 and 5, these claims depend from Claim 1 and incorporate the limitations thereof. Thus, for at least the reasons discussed in regard to Claim 1, Ball fails to teach each and every element of Claims 4 and 5. Since each and every element of the claims is not taught by Ball, anticipation may not be found. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 4 and 5 under 35 U.S.C. §102(b).

#### **VIII. Claim Rejections – 35 U.S.C. §103(a)**

A. In the outstanding Action, Claims 1, 2, 4-5, 8-9 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Williams in view of U. S. Patent No. 3,659,621 issued to Tucciarone et al ("Tucciarone"). Applicant respectfully traverses the rejections.

To establish a *prima facie* case of obviousness, the Patent Office must show that the cited reference teaches or suggests each of the elements of a claim. Hindsight reconstruction may not be used to modify the reference to meet the claimed invention. MPEP §2145. Furthermore, the fact that the claimed invention is within the capabilities of one of ordinary skill in the art, without some showing of an objective reason for modifying the reference to arrive at the claimed invention, is not sufficient to establish a *prima facie* case of obviousness. *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000).

In regard to Claim 1, Williams fails to teach or suggest at least the element of “a generally peripheral member sized to be worn on less than an entire portion of a scalp of a human head and enclose an occipital portion and a parietal portion of the human head.” As illustrated in Figure 1, the cap of Williams covers an entire back portion of the wearer’s head. Moreover, as admitted by the Patent Office, Williams fails to expressly teach “a generally peripheral member sized to be worn on a rear portion of a human head” as recited in original Claim 1. See Action, page 7. The Patent Office, however, alleges peripheral member 12 would be inherently capable of being worn on a rear portion of a human head. See Action, page 7. Under the Doctrine of Inherency, however, the inherent feature must necessarily be found within the reference, it is not sufficient that it may be. Williams teaches that the fastener 64 is attached to the nape portion of the

hairline such that it holds the outer member 12 to the head under tension. See Williams, col. 3, lines 40-43. In order for such tension to be created, the opposite end of outer member 12 must be positioned at a front end of the head otherwise the elasticity of outer member 12 and support structures would contract causing the hairpiece to merely slide down the back of the head. Accordingly, in as much as the cap must be sized to extend beyond a rear portion of a human head for the attachment mechanism to operate, the peripheral member 12 is not inherently capable of being worn on a rear portion of a human head.

Moreover Tucciarone may not be relied upon to cure the deficiencies of Williams with respect to this element. The Patent Office has not indicated a portion of Tucciarone teaching the “a generally peripheral member sized to be worn on less than an entire portion of a scalp of a human head and enclose an occipital portion and a parietal portion of the human head.” Instead, Tucciarone teaches an air-flo hair template constructed of a plurality of straps and wefts sewn to the straps and a netting at a part line to prevent detection of the hair piece at the part line. See Tucciarone, Abstract. A rear portion of the human head does not have a part line. Accordingly, Tucciarone does not teach a hair template sized for wearing on a rear portion of a human head.

The Patent Office further admits Williams fails to teach “a plurality of wefts” as recited in Claim 1. Instead the Patent Office relies upon Tucciarone to teach this element. Applicant submits, even if it were possible to find Tucciarone teaches this feature of Claim 1, there is no motivation for the relied upon combination. The Patent Office alleges it would have been obvious to combine Tucciarone with Williams to employ the wefts of hair into a device for the purpose of preventing detection of the hairpiece at the part line. Williams however teaches a hair-enhancing cap which merely creates a frosting effect with the existing hair. See Williams, Abstract. Accordingly, one of ordinary skill in the art would understand Williams to be used as merely an accent on an already full head of hair. As such, there would be no need to incorporate wefts to add additional volume or prevent detection of the hair piece at a part line as the wearer’s own hair would provide sufficient coverage. Moreover, it would be understood by one of ordinary skill in the art that the addition of wefts would not provide the desired frosting effect. Thus, for at least the foregoing reasons, neither Williams nor Tucciarone, alone or in

combination, may be relied upon to teach each and every element of Claim 1. Since the references fails to teach or suggest each and every element of Claim 1, a *prima facie* case of obviousness may not be found. For the foregoing reasons, Applicant respectfully requests withdrawal of the rejection of Claim 1 under 35 U.S.C. §103.

In regard to Claims 2, 4-5, 8-9 and 13, these claims depend from Claim 1 and incorporate the limitations thereof. Thus, for at least the reasons discussed in regard to Claim 1, Williams and Tucciarone fails to teach each and every element of Claims 2, 4-5, 8-9 and 13. Since each and every element of the claims is not taught by the references, anticipation may not be found. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 2, 4-5, 8-9 and 13 under 35 U.S.C. §103.

**B.** In the outstanding Office Action, Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Williams in view of Tucciarone, and further in view of U. S. Patent No. 6,016,814 issued to Elliott ("Elliott"). Applicant respectfully traverses the rejections.

Claim 3 depends from Claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed in regard to Claim 1, the combination of Williams and Tucciarone may not be relied upon to teach at least the elements of “a generally peripheral member sized to be worn on less than an entire portion of a scalp of a human head and enclose an occipital portion and a parietal portion of the human head” and “a plurality of wefts of hair coupled to the plurality of diagonal members” as found in Claim 3. Moreover, the Patent Office has not pointed to and Applicant is unable to discern a portion of Elliott curing the deficiencies of Williams with respect to these elements. Thus, for at least the foregoing reasons, neither Williams, Tucciarone nor Elliott, alone or in combination, may be relied upon to teach each and every element of Claim 3. Since the references fails to teach or suggest each and every element of Claim 3, a *prima facie* case of obviousness may not be found. For the foregoing reasons, Applicant respectfully requests withdrawal of the rejection of Claim 3 under 35 U.S.C. §103.

C. In the outstanding Office Action, Claims 6-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Williams in view of U. S. Patent No. 3,659,621 issued to Tucciarone et al ("Tucciarone"). Applicant respectfully traverses the rejections.

Claim 6-7 depend from Claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed in regard to Claim 1, the combination of Williams and Tucciarone may not be relied upon to teach at least the elements of “a generally peripheral member sized to be worn on less than an entire portion of a scalp of a human head and enclose an occipital portion and a parietal portion of the human head” and “a plurality of wefts of hair coupled to the plurality of diagonal members” as found in Claims 6-7. Thus, for at least these reasons Claims 6 and 7 are not obvious over Williams and Tucciarone.

Claims 6 and 7 further recite the geometric regions of the first and second portions comprise “triangles” (Claim 6) and “spherical triangles” (Claim 7). The Patent Office alleges it would have been obvious to construct such elements since such a modification would have involved a mere change in shape of the component. Applicant respectfully disagrees. In order to construct the recited triangles and spherical triangles, the strips of Williams must be resized, repositioned and possibly of a different material such that triangles are formed when placed on the wearer’s head. Thus, the claimed geometric regions are more than a mere change in shape and instead require reconfiguration of the entire framework taught in Williams. Thus, for at least these additional reasons, each and every element of Claims 6 and 7 are not *prima facie* obvious in view Williams and Tucciarone. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 6 and 7 under 35 U.S.C. §103.

D. In the outstanding Action, Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Williams. Applicant respectfully traverses the rejections.

In regard to Claim 21, Claim 21 depends from Claim 19 and incorporates the limitations thereof. Thus, for at least the reasons discussed in regard to Claim 19, Williams fails to teach at least the elements of “applying outside pressure to a foundation of the device to cause the foundation of the device to conform to the contours of an individual wearer’s head” and “wefts

of hair sewn to the device” as found in Claim 21. Claim 21 further recites the element of “wherein the individual wearer’s hair is drawn through triangular geometric regions of the device in order to obscure the foundation of the device.” The Patent Office alleges the claimed triangular regions would have been obvious as they are merely a change in shape of the component. See Action, page 10. As previously discussed in order to construct the recited triangles, the strips of Williams must be resized, repositioned and possibly of a different material such that triangles are formed when placed on the wearer’s head. Thus, the claimed geometric regions are more than a mere change in shape and instead require reconfiguration of the entire framework taught in Williams. Thus, for at least the foregoing reasons, Williams further fails to teach or suggest this element of Claim 21. Since Williams fails to teach or suggest each and every element of Claim 22, a *prima facie* case of obviousness may not be found. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 21 under 35 U.S.C. §103.

E. In the outstanding Action, Claims 10-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Williams in view of Tucciarone and further in view of U. S. Patent No. 3,435,832 issued to Yonezo Ito ("Yonezo"). Applicant respectfully traverses the rejections.

Claims 10-12 depend from Claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed in regard to Claim 1, the combination of Williams and Tucciarone may not be relied upon to teach at least the elements of “a generally peripheral member sized to be worn on less than an entire portion of a scalp of a human head and enclose an occipital portion and a parietal portion of the human head” and “a plurality of wefts of hair coupled to the plurality of diagonal members” as found in Claims 10-12. Moreover, the Patent Office has not pointed to and Applicant is unable to discern a portion of Yonezo curing the deficiencies of Williams with respect to these elements. Thus, for at least the foregoing reasons, neither Williams, Tucciarone nor Yonezo, alone or in combination, may be relied upon to teach each and every element of Claims 10-12. Since the references fails to teach or suggest each and every element of Claims 10-12, a *prima facie* case of obviousness may not be found. For the foregoing reasons, Applicant

respectfully requests reconsideration and withdrawal of the rejection of Claims 10-12 under 35 U.S.C. §103.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-23, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: 2/17/06

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on February 17, 2006.

Jean Svoboda  
Jean Svoboda

FIG. 9

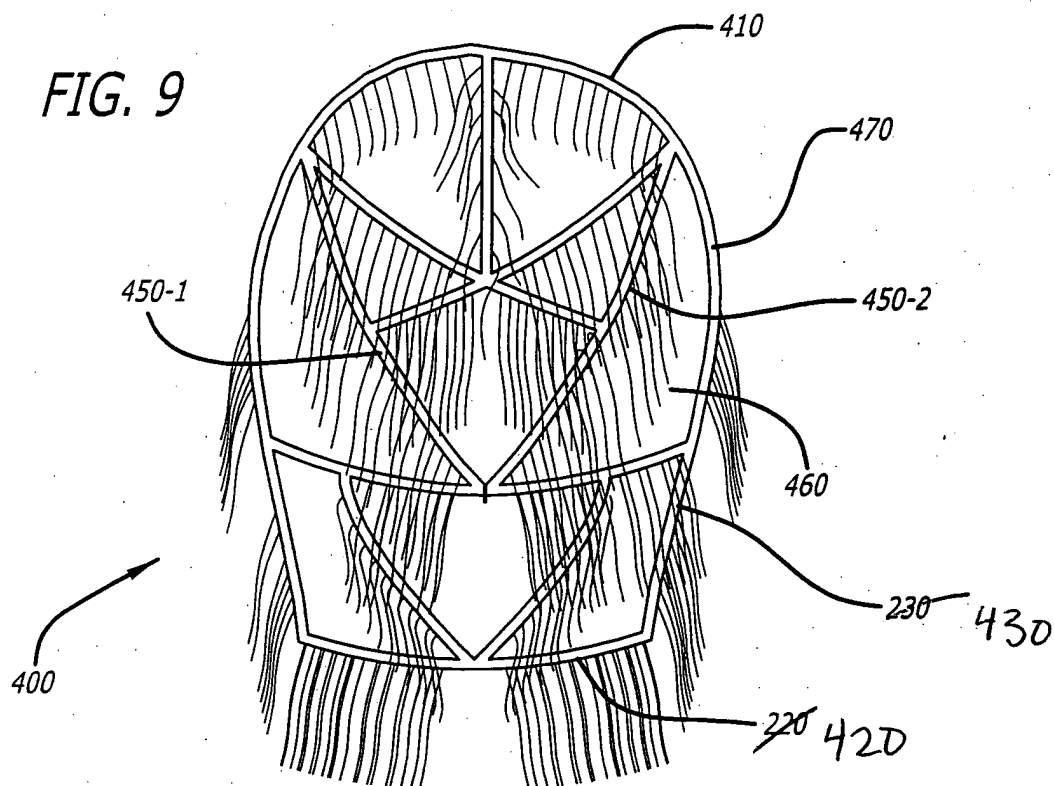


FIG. 10

